

January 11, 2006

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 11, 2006, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation and Facilities
WARREN G. HEIDT, Director of Public Works
RHONDA G. HENDERSON, Director of Planning
FRANKLIN P. O'BYRNE, Director of Information Systems
DIANA C. STULTZ, Zoning Administrator
ROBERT A. SYMONS, Fire and Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Administrator Paxton called the meeting to order at 3:00 p.m.

Community Development Director Vaughn led the Pledge of Allegiance. Supervisor Floyd gave the Invocation.

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REORGANIZATION OF THE BOARD - 2006.

ELECTION OF CHAIRMAN.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board elected Michael A. Breeden as Chairman for 2006.

Thanking the Board for its confidence in him, Chairman Breeden noted that he looked forward to serving as Chairman in the coming year.

ELECTION OF VICE-CHAIRMAN.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board elected William B. Kyger, Jr., as Vice-Chairman for 2006.

SETTING OF DAY AND TIME OF REGULAR MEETINGS.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board set the 2006 meeting schedule as follows: the second Wednesday of each month at 3:00 p.m. and the fourth Wednesday of each month at 6:00 p.m., with the following exceptions: the first meeting in April, on April 12, 2006 which will include a public hearing on the proposed budget for FY 2006-07 will be held at Broadway High School and will begin at 2:00 p.m. In addition, there will be only one meeting held in November on November 15 at 3:00 p.m. and one meeting in December on December 13 at 3:00 p.m.

The Board will continue the following policy that was established in 1995:

If a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday.

REVIEW OF COMMITTEE ASSIGNMENTS.

The Board received the following 2006 Chairman's Committee assignments.

BOARD OF SUPERVISORS
2006 Chairman's Committee Appointments

BUILDINGS AND GROUNDS:

Charles Ahrend
Dee Floyd

RELATED LANDS (Federal):

Mike Breeden
Rhonda Henderson

PUBLIC WORKS:

Pablo Cuevas
Mike Breeden

REGIONAL JAIL COMMITTEE:

(Policies, Programs, Etc.)
Mike Breeden
Dee Floyd

AUTOMOBILE:

William Kyger
Dee Floyd

**CENTRAL SHENANDOAH
PLANNING DISTRICT
COMMISSION:**

William Kyger
Dee Floyd

AIRPORT:

William G. O'Brien

VACO LIAISON:

William Kyger

CITY-COUNTY LIAISON:

Charles Ahrend
Pablo Cuevas

AUGUSTA/ROCKINGHAM

LIAISON COMMITTEE
William Kyger
Dee Floyd

SCHOOL BOARD LIAISON:

Pablo Cuevas
Charles Ahrend

**DATA PROCESSING
ADVISORY:**

William Kyger

SOCIAL SERVICES:

Mike Breeden

FINANCE:

Pablo Cuevas
Mike Breeden

TOWNS/COUNTY LIAISON:

William Kyger
Pablo Cuevas

PERSONNEL-RELATED

(Ad Hoc):
Chairman
Vice-Chairman

CHAMBER OF COMMERCE:

Charles Ahrend

**Massanutten Regional
Library**

Charles Ahrend

HARRISONBURG/ROCKINGHAM CCJB

Pablo Cuevas

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PRESENTATION TO 2005 CHAIRMAN BY THE 2006 CHAIRMAN.

Chairman Breeden presented a plaque to 2005 Chairman Cuevas in recognition of his service and thanked him for his hard work and dedication over the years.

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APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of December 14, 2005.

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**RESOLUTION NO. 06-01 - TURNER ASHBY HIGH SCHOOL 2005
FOOTBALL TEAM, GROUP AA, DIVISION 3, CHAMPIONS.**

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution and presented a copy to the Turner Ashby High School 2005 Football Team.

**RESOLUTION
TURNER ASHBY HIGH SCHOOL KNIGHTS
GROUP AA, DIVISION 3 FOOTBALL CHAMPIONS**

WHEREAS, the Turner Ashby High School Knights Football Team, in the School's 50th year, has brought great honor and esteem to its school, community and this County, by winning the Group AA, Division 3 Football Championship, the first State football title ever won by the Knights; and

WHEREAS, on December 10, 2005, at Liberty University Williams Stadium in Lynchburg, the Turner Ashby High School Knights Football Team, under the tutelage of its coach Charlie Newman and his staff, with a 12-2 record, won a hard-fought game 27 to 13 against Richlands High School to become the Group AA, Division 3 State Champions, earning the respect and admiration of our entire community; and

WHEREAS, this team is to be admired as much for its off-the-field accomplishments as the aforementioned on-field accolades, by the high standards that they set for all student athletes of Rockingham County, both in terms of academic achievement and community involvement;

NOW, THEREFORE, WITH THIS RESOLUIION, the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, hereby **RECOGNIZES** the Turner Ashby High School Knights Football Team and its coach for the exemplary skill they have displayed in their accomplishments and calls upon the citizens of this community to join the Board in congratulating this outstanding group of young citizens.

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**RESOLUTION NO. 06-02 - JULIA F. RITCHIE, FORMER CLERK OF
THE HARRISONBURG-ROCKINGHAM 26TH DISTRICT JUVENILE AND
DOMESTIC RELATIONS COURT.**

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution and presented a copy to Julia F. Ritchie in recognition of her retirement as Clerk of the Harrisonburg-Rockingham 26th District Juvenile and Domestic Relations Court.

R E S O L U T I O N

WHEREAS, Julia F. Ritchie was hired as a Deputy Clerk for the Harrisonburg-Rockingham Juvenile and Domestic Relations Court in 1971; and

WHEREAS, when the Court was split into two jurisdictions in 1973, Ms. Ritchie became Clerk of the Rockingham Court; and

WHEREAS, in 1978 Ms. Ritchie became Clerk of both the Rockingham and Harrisonburg Courts; and

WHEREAS, when the Courts were combined in 1980 into the present Harrisonburg-Rockingham 26th District Juvenile and Domestic Relations Court, Ms. Ritchie continued to serve as its Clerk; and

WHEREAS, Ms. Ritchie has worked for three Judges: The Honorable Beverly B. Bowers, the Honorable Charles S. McNulty and the current Judge, the Honorable Marvin C. Hillsman, Jr.; and

WHEREAS, Ms. Ritchie, an untiring and committed public employee who has served with distinction for 34 years, has retired from her position;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Rockingham, Virginia, that said Board does hereby recognize and congratulate Ms. Ritchie in the celebration of her retirement; and

BE IT FURTHER RESOLVED that the Board of Supervisors expresses its sincere gratitude to Ms. Ritchie for her years of dedicated service and wishes her well in the coming years.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Kyger thanked Mr. Komara for improvements made in District 4, and he reiterated his concern for the

need to develop a turn lane at Hinton in front of the poultry plant and in front of Hinton Market.

Supervisor Floyd asked why the one-lane bridge was still on Route 704. Mr. Komara explained that the bridge would eventually be removed and rebuilt in another location where the bridge can be widened.

Supervisor Breeden asked if the Route 644 construction would begin in April, and Mr. Komara advised that it would be advertised in April with construction to begin at the end of the summer.

Supervisor Breeden asked when the signal at Island Ford Road and Route 340 would be installed. Mr. Komara said it would probably be in by next month.

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**RESOLUTION NO. 06-03 - VIRGINIA POULTRY GROWERS
COOPERATIVE, INC.**

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution.

RESOLUTION NO. 06-03

At a regularly scheduled meeting of the Rockingham County Board of Supervisors held on January 11, 2006, on a motion by Supervisor Ahrend, seconded by Supervisor Kyger, the following resolution was adopted by a vote of 5 to 0.

WHEREAS, the Virginia Poultry Growers Cooperative, Inc., has purchased property located in Rockingham County and will enter into a firm contract to expand its facilities on that property for the purpose of developing a grain storage facility; and

WHEREAS, this facility is expected to involve a new private capital investment in land, building, and manufacturing equipment of approximately \$15,000,000; and the Virginia Poultry Growers Cooperative, Inc., is expected to employ 20 persons at this facility; and

WHEREAS, manufacturing operations are expected to begin at this new facility in the Spring of 2007; and

WHEREAS, the property on which this facility will be located has no access to a public street or roadway and will require the construction of a new roadway which will connect to Buttermilk Creek Road (Route 765); and

WHEREAS, Rockingham County hereby guarantees that the necessary environmental analysis, mitigation and right-of-way for this new roadway and utility relocation or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, Rockingham County acknowledges that the State Environmental Review Process (SERP) must be completed prior to any construction activity on this project as a condition of the use of the Industrial, Airport and Rail Access Fund; and

WHEREAS, Rockingham County hereby guarantees that all ineligible project costs and any other costs not justified by eligible capital outlay will be provided from sources other than those administered by the Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED THAT: the Rockingham County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide financing from the Industrial, Airport and Rail Access Fund in the amount of \$450,000 to provide an adequate road to this new manufacturing facility; and that the Virginia Poultry Growers Cooperative, Inc., has agreed to provide the required match, in the amount of \$150,000; and

BE IT FURTHER RESOLVED THAT: the Rockingham County Board of Supervisors hereby agrees that the new roadway so constructed will be added to and become a part of the road system of the Rockingham County Secondary System of Highways.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated January 5, 2006, including information concerning the success of the Litter Pickup Program, which has saved the taxpayers of Rockingham County and Harrisonburg \$8,188 for the period July to December 2005; list of activities and projects accomplished in 2005; Vision Statement for the County; relocation of the School Board offices to 100 Mt. Clinton Pike; and relocation of Registrar's office to the vacated CVB offices on East Gay Street.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Vision Statement for the County.

Rockingham County, Virginia

Rockingham County is a prosperous community, rich in quality of life, with a vision for the future.

This vision is the focus for the Board, staff and community, as together we continue to make Rockingham a great place to be by:

- * protecting our environment, preserving our historical assets and perpetuating our agricultural heritage;
- * encouraging healthy, managed growth to sustain our balanced, vibrant economy;
- * providing resources to develop a highly trained workforce to meet the needs of business for the future, while creating career opportunities for future generations; and
-
- * by operating government services in a cost effective, efficient manner, promoting innovation in service delivery and partnership with the public and private sector.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; in regard to compensation for the Board of Equalization of Real Estate Assessments, the Board set the compensation for the chairman at \$16.00 per hour and for the other members at \$15.00 per hour.

Mr. Paxton reported on the increase in building activity in the County and the need for additional staff to handle the administrative and inspection activities associated with the increase. On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the hiring of a permit specialist, a building inspector and a plan reviewer/inspector, and (as follows) appropriated \$87,000 to cover the costs of the new positions for the remainder of FY2005-06, with funding to be provided by the General Fund Reserve. Staff will review the County's fee structure to determine whether an increase in fees should be recommended and will report to the Board at a future meeting.

Supplemental for cost of new positions and related costs - Inspection Services

001-03400-000-1100-000	Salaries - Full-time	39,000	
001-03400-000-2100-000	FICA	3,000	
001-03400-000-2201-000	VRS	4,700	
001-03400-000-2300-000	Health Insurance	9,700	
001-03400-000-2703-000	Workers Compensation	600	
001-03400-000-4500-000	Central Garage	2,000	
001-03400-000-6065-000	Minor Equipment	6,000	*
001-03400-000-8005-000	Vehicles	22,000	

* Includes computers and other equipment

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board accepted an invitation to join

the Shenandoah Valley Air Quality Initiative (SHENAIR) of the Northern Shenandoah Valley Regional Commission and appointed Deputy Administrator King as the County's representative.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Brown reported on questions concerning the ability of the public to access, via the internet, citizens' personal information in the records of the Circuit Court Clerk. He noted that, prior to 2004, social security numbers were part of the required information on land transfers; and in 2004, the General Assembly instructed Clerks to no longer accept records which reflected such personal information. As such public records cannot be altered, social security numbers remain on the records which were filed prior to 2004. He pointed out that any information which is accessible on line is also available to those who visit the Clerk's office. It was noted that some State legislation has been proposed which would direct that the social security numbers be obscured.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board renewed and authorized the County Administrator to sign, after review by the County Attorney, the following Greater Harrisonburg/Rockingham Law Enforcement Mutual Aid Agreement.

**GREATER HARRISONBURG/ROCKINGHAM COUNTY LAW ENFORCEMENT
MUTUAL AID AGREEMENT**

Pursuant to Sections 15.2-1724 and 15.2-1726 of the Code of Virginia (1950) as amended, this Mutual Aid agreement is made as of the ____day of _____, 2006, by and between the CITY OF HARRISONBURG, a municipal corporation (City), ROCKINGHAM COUNTY, a political subdivision of the Commonwealth of Virginia (County) and the SHERIFF OF THE COUNTY OF ROCKINGHAM, VIRGINIA (the Sheriff), and the TOWN OF BRIDGEWATER, the TOWN OF BROADWAY, the TOWN OF DAYTON, the TOWN OF ELKTON, TOWN OF TIMBERVILLE, and the TOWN OF GROTTUES.

WHEREAS, the parties have determined that providing police aid across jurisdictional boundaries in certain emergencies will increase the ability of the local law

enforcement agencies to promote the public safety and protect the general welfare of the citizens, and intend by this accord to enter into a reciprocal agreement for cooperation in furnishing police services and for the use of their joint police forces, their equipment and materials for their mutual protection, defense and maintenance of peace and good order; and

WHEREAS, the parties agree that it is to their mutual benefit to cooperate in the enforcement of the laws designed to control or prohibit the use or sale of controlled drugs as defined in Section 54.1-3401 of the Code of Virginia (1950) as amended and the laws contained in Article 3 (Section 18.2-344 et. seq.) of Chapter 8 of Title 18.2 of the Code of Virginia as amended;

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, subject to the specific terms and conditions herein, the parties hereto jointly resolve and agree with one another as follows:

- (1) The principal law enforcement officer of the respective parties, or such officer's designee, is authorized to determine the need for additional law enforcement assistance, without the necessity of deputizing officers from the other cooperating jurisdictions, when an emergency or need as defined in Paragraph 2 herein exists. Such officers and their principals shall have full police powers as conferred upon them by law during the period of such need in the jurisdictions which they do not normally serve. In such cases, they may participate in law enforcement activities beyond their respective jurisdictions to the extent authorized by the general laws of this Commonwealth.
- (2) The need for such additional law enforcement assistance may arise for the enforcement of laws designed to control or prohibit: (i) the use or sale of controlled drugs as defined in Section 54.1-340 I; (ii) sexual offenses and prostitution as contained in Article 3 (18.2-344 et. seq.) of Chapter 8 of Title 18.2; or (iii) in response to any law enforcement emergency involving any immediate threat to life or public safety, or during the execution of the provisions of 37.1-67.1 relating to orders for temporary detention or

emergency custody for mental health evaluation or an emergency resulting from the existence of a fire, flood, epidemic, state of war, internal disorder, or any other public disaster.

- (3) The Sheriff shall allow officers of the City , the OFFICERS of the TOWNS OF BRIDGEWATER, BROADWAY, DAYTON, ELKTON, TIMBERVILLE, and GROTTOS to utilize the Sheriff's jail booking facilities to process arrested persons at no cost. The Sheriff hereby appoints and constitutes officers of the City and OFFICERS of the TOWNS OF BRIDGEWATER, BROADWAY, DAYTON, ELKTON, GROTTOS and TIMBERVILLE as authorized to act in this respect, pursuant to Sections 19.2-390 and 19.2-392, of the Code of Virginia.
- (4) The Sheriff shall allow officers of the City and OFFICERS of the TOWNS OF BRIDGEWATER, BROADWAY, DAYTON, ELKTON, GROTTOS and TIMBERVILLE to utilize, at no cost, the Sheriff's instruments, equipment, and facilities for processing and administering breathalyzer examinations to persons arrested for driving under the influence of alcohol or controlled substances, pursuant to Section 18.2-266, and following, of the Code of Virginia.
- (5) The Sheriff designates the City's or OFFICERS of the TOWNS OF BRIDGEWATER, BROADWAY, DAYTON, ELKTON, GROTTOS and TIMBERVILLE arresting officer in a particular case, the City's Chief of Police, or his designee, in any case, to complete the report to the Central Criminal Records Exchange, required by Section 19.2-390, of the Code of Virginia, and otherwise to fingerprint, photograph, and process persons convicted of misdemeanors, in the General District Court of Rockingham and Harrisonburg.
- (6) Each party shall, prior to the effective date hereof, notify its police officers and general liability insurance carriers of this agreement.
- (7) In the event that a determination is made that law enforcement assistance is required, the law enforcement officer to act shall communicate the determination to the principal law enforcement officer, such officer's

designee, of the law enforcement agency from which assistance is requested.

Such request will include the following:

- (a) The name and title of the official making the request;
- (b) A summary of the circumstances initiating the action and a description of the assistance needed; and
- (c) The name, title, and location of the official to whom assisting personnel shall report.

(8) Upon receipt of a request for assistance, the officer receiving the request shall consider the circumstances in the requesting jurisdiction. The officer shall evaluate the disposition and availability of the responding jurisdiction's own resources, and the capacity of its agency to provide the requested assistance.

The receiving officer who concurs in the existence of a need of law enforcement assistance within the requesting jurisdiction shall provide such assistance as is consistent with the circumstances within the requesting jurisdiction and the availability of the responding agency's own forces.

(9) Nothing contained in this agreement shall compel any party hereto to respond to a request for law enforcement assistance when its own personnel are, in the opinion of the agency's principal law enforcement officer, or such officer's designee, needed or are being used within the boundaries of its own jurisdiction. No party actually providing assistance pursuant to this agreement shall be compelled to continue with such assistance if, in the opinion of the agency's principal law enforcement officer, or such officer's designee, its personnel and/or equipment are needed for other duties within its jurisdictional boundaries.

(10) During the period assistance is provided, personnel of the assisting agency shall operate in the requesting jurisdiction with the same powers, rights, benefits, privileges, and immunities as are enjoyed by the members of the requesting agency. Each officer who enters the jurisdiction of the requesting agency pursuant to this agreement is authorized to exercise full police powers of the requesting agency's law enforcement personnel. This

specifically includes the authority of law enforcement officers to make arrests. For the purposes of this agreement, it is understood that the assisting party is considered to be rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance.

- (11) The principal law enforcement officer of any agency receiving assistance under this agreement shall be responsible for directing the activities of other officers, agents, or employees coming into this jurisdiction.
- (12) Pursuant to Virginia Code Section 15.2-1726 in the event that a determination is made by the Sheriff, the Chief of the Police Department of the City of Harrisonburg or his designee, that cooperation between these such Departments would be necessary or beneficial to the enforcement of laws and maintenance of peace in Rockingham County, the Sheriff, the City of Harrisonburg, or the TOWNS OF BRIDGEWATER, BROADWAY, DAYTON, ELKTON, GROTTUES and TIMBERVILLE departments may form a task force of officers from such jurisdictions until such time as the Sheriff, the Chief of Police of the City of Harrisonburg,, determine that the need for such a task force no longer exists. The purposes for which the Sheriff's Department and the respective Police Departments may form a task force include, but are not limited to, the following:
 - (a) The investigation of any sexual offense or prostitution as contained in Article 3 of Chapter 8 of Title 18.2;
 - (b) The investigation of laws assigned to control or prohibit the use or sale of controlled drugs as defined in Section 54.1-3401;
 - (c) The investigation of serial rapes, murders, armed robberies, or other felonies;
 - (d) Law enforcement and crowd control at special and athletic events, such as parades, sporting events, rallies, gatherings, or other such occurrences; and
 - (e) The occurrence of any other event which in the opinion of the Sheriff and the Chief(s) of Police make cooperation between the Sheriff's Department and the Police Departments necessary or beneficial.

- (13) Subject to the terms of this agreement; and without limiting in any way the other circumstances or conditions in which mutual aid may be requested and provided under this agreement, the parties hereto agree to provide assistance to the requesting jurisdiction in situations requiring the mass processing of arrestees and transportation of the same. The parties to this document further agree to assist the requesting jurisdiction with the security and operation of temporary detention facilities.
- (14) Services performed and expenditures made as a result of this agreement shall be deemed conclusively to be for public and governmental purposes. As such, all of the immunities from liability enjoyed by a signatory jurisdiction within its territorial limits shall be enjoyed by it, as well as each police officer, deputy and their principals, to the same extent when it is providing assistance outside its boundaries pursuant to this agreement when acting through its police personnel or other officers, agents or employees.
- (15) The law enforcement officers, agents, and employees of an assisting agency, when acting beyond its territorial limits, shall have all of the immunities from liability and exemptions from laws, ordinances and regulations and shall have all of the pension, relief, disability, workers' compensation and other benefits enjoyed by them while performing their respective duties within the territorial limits of their own jurisdiction.
- (16) That each party to this agreement shall waive any and all claims against other parties to this agreement which may arise from their activities outside their respective jurisdictions when acting under this agreement;
- (17) The parties shall not be liable to each other regarding reimbursement for injuries to personnel or damage to equipment incurred when going to or returning from another jurisdiction. The parties shall not be accountable to each other for the salaries or expenses of their personnel, vehicles, and equipment used in association with, or arising out of, the rendering of assistance pursuant to this agreement.
- (18) It is the intent and purpose of this mutual aid agreement that there be the fullest cooperation among the local law enforcement agencies in the greater

Harrisonburg/Rockingham County area to ensure the maintenance of good order and law enforcement during an emergency situation or other law enforcement matter which requires assistance beyond the capacity of a signatory jurisdiction.

- (19) If any part, section, sub-section, sentence, clause, or phrase of this agreement is, for any reason, declared invalid, such decision shall not affect the validity of the remaining portions of the agreement.
- (20) This agreement shall remain in effect until terminated by all parties hereto upon written notice setting forth the date of such termination. Withdrawal from this agreement by one party hereto, shall be made by thirty (30) days written notice to all other parties. This document shall remain with full force and effect notwithstanding the continued tenure of any of the representatives whose signatures appear hereon.
- (21) Throughout the duration of any response for assistance, the receiving agency shall provide for adequate radio communications with personnel of the assisting jurisdiction. This may be in the form of agency-owned radios, radio network interfacing, or use of multi-jurisdictional radio frequencies such as SIRS.
- (22) Any jurisdiction which received aid under this agreement shall provide for the release of assisting personnel as soon as is practicable.
- (23) For the purpose of providing law enforcement assistance under this agreement, the police of a state-supported institution of higher learning may be sent only to a county, city or town whose boundaries are contiguous with the county or city in which such institution is located.
- (24) A listing of resources available from parties signatory hereto is attached as Exhibit A as made a part of this agreement. This list will be updated on an annual basis with the information disseminated to all participating jurisdictions.
- (25) Any revision to this agreement, the annual updating of available resources, shall be proposed in writing. All participating jurisdictions will be provided a copy of the proposal by the initiating agency. Within sixty (60) days of

receipt, each jurisdiction will return its comments concerning agreement or disagreement with the revision to the initiating agency. All signatory jurisdictions must agree with any proposed change, and execute an appropriate revision, in order for it to be adopted. Any approved revision will be made a part of this agreement as an addendum.

LIST OF RESOURCES

HARRISONBURG POLICE

Number of Sworn Personnel	82
Uniformed Personnel	72
Investigators/Detectives	10
Special Weapons and Tactics Team	1
K-9 Unit	4 patrol drug/1 bomb
Explosive Ordinance Unit	no
Helicopter	no
Civil Disturbance Team	1
Critical Incident Stress Debriefing Team	no
Police Artist/Indenikit Specialist	no
Victim/Witness Advocate	no
Scuba Unit	no
Boat Rescue Unit	no
Other	Polygraph Examiner 2 Evidence Techs 10 Gang Unit 1 (3 plus supervisor) Motorcycle Units 2 Auxiliary Unit 1 (10 members) Animal Control Officer 1

LIST OF RESOURCES

ROCKINGHAM COUNTY

Number of Sworn Personnel	169
Uniformed Personnel	42
Investigators/Detectives	9 (includes Task Force)
Special Weapons and Tactics Team	1 SNIPERS 2
K-9 Unit	0
Explosive Ordinance Unit	0

Helicopter	0
Civil Disturbance Team	0
Critical Incident Stress Debriefing Team	0
Police Artist/Indenikit Specialist	0
Victim/Witness Advocate	0
Scuba Unit	1
Boat Rescue Unit	1
Other	Polygraph Examiner 1
	Evidence Techs 4
	Night Vision 30
	Armored Vehicle 1
	Thermal Imager 1
	Command Bus 1
	Search & Rescue 1

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

LIST OF RESOURCES: TO BE ADDED BY THE AGENCIES:

CITY OF HARRISONBURG:

Dated:_____

Larry Rogers
Mayor

Roger Baker
City Manager

Col. Donald G. Harper
Chief of Police

ROCKINGHAM COUNTY

Michael A. Breeden
Chairman, Board of Supervisors

Joseph Paxton
County Administrator

Donald Farley
Sheriff

TOWN OF BRIDGEWATER

Hallie D. Dinkel, Mayor

Robert Hill, Chief of Police

TOWN OF BROADWAY

John Long, Mayor

Jay Lantz, Chief of Police

TOWN OF DAYTON

L. J. Purcell, Mayor

Donald Conley, Chief of Police

TOWN OF ELKTON

Wayne Printz, Mayor

Richard Pullen, Chief of Police

TOWN OF TIMBERVILLE

Don Delaughter, Mayor

Richard Sullivan, Chief of Police

TOWN OF GROTTUES

Douglas Shifflett, Mayor

Tony Stovall, Chief of Police

DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated January 7, 2006, concerning the Technological and Industrial Park (completion of entrance delayed until later in the year); County Garage addition - substantially completed; Germany River stream repairs project (formal permit application to be submitted to the State in 30 days); and the 2006 Fiscal Impact Statement - process for proposed state legislation.

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FINANCE DIRECTOR'S STAFF REPORT.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following Finance Committee recommendations:

- Accepted and authorized the County Administrator to sign any necessary documents, for Commonwealth's Attorney, the V-STOP Grant Program in the amount of \$19,401 in Federal Funds (\$10,087 in local match for a total award of \$29,488). The funds were budgeted but required acceptance.
- Accepted and authorized the County Administrator to sign any necessary documents, for Court Services, Record Improvement Program grant in the amount of \$143,117 in Federal Funds (\$47,706 in local match for a total award of \$190,823). The funds will be spent and budgeted in the next fiscal year, but the grant requires acceptance now.
- As set out in a letter dated September 15, 2005, from Rockingham Educational Foundation, Inc. (REFI), requesting \$150,000 supplemental appropriation for the construction of a new storage facility to house the Teacher Supply Depot, approved the following supplemental appropriation and transfer of funds. The REFI board is expected to approve funding in the amount of \$75,000 with the remaining \$75,000 to be funded by Rockingham County provided through the Contingency Fund.

Supplemental Appropriation: \$150,000

\$150,000	GL Code: 101-09401-000-8350-000	Teacher Supply Depot
\$75,000	GL Code: 101-05101-2001	from General Fund
\$75,000	GL Code: 101-01899-0613	Share of Costs - REFI

\$75,000 GL Code: 001-09301-000-9511-000 Transfer to Capital
Projects Fund

\$75,000 GL Code: 001-09110-000-5800-000 Contingency

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated January 11, 2006, including information concerning employment of a new Engineering Technician, Elina G. Apostolatova; schedule for Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station (only restoration work remaining for project), (preliminary engineering report reviewed by staff; Landfill Phase III expansion (completeness review received from DEQ); Grassy Creek tank (construction completed); Three Springs Water System analysis (final report expected at the end of the month); Pleasant Run interceptor (Draper Aden directed to begin Preliminary Engineering Report work; Countryside (completed); Lilly Gardens (Planning Grant approved); and City of Harrisonburg Waste-To-Energy Plant (80% efficient, 80% of the time).

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board:

Approved the following Public Works Committee recommendations:

- a. Changed the cost for installation of separate irrigation meters from \$250.00 to \$750.00 to cover the actual cost of the meter set and ongoing maintenance and administrative costs associated with each installation.
- b. Authorized additional repairs and maintenance by Carter Machinery to the Landfill Komatsu Track-Hoe at the additional estimated cost of \$42,560, with funding to come from account 410 Solid Waste Fund Repair & Maintenance.
- c. Awarded the bid for purchase of a landfill compactor to Carter Machinery for a new Caterpillar 836H complete with a total Computer Assisted Excavation System (CAES), all requested accessories, warranties, machine availability, parts availability, maintenance and repair, and repurchase guarantees as outlined in the request for proposal document for a total purchase price of \$889,104, inclusive of the trade-in value for the existing Bomag Model BC671RB. This award is contingent upon discussions between the County and City of Harrisonburg concerning the City's participation in the funding of this expenditure.

The cost-share breakdown between Rockingham County and the City of Harrisonburg will be \$560,135 and \$328,968 respectively.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated January 11, 2006, including information concerning Planning Commission activities, the McGaheysville Area Comprehensive Plan, proposed ordinances dealing with produce auctions and domestic animals in RR-1 zoning districts, BZA appointment, priority projects underway and summary of upcoming requests.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by staff, the Board increased Erosion and Sediment Control Program fees as follows. Although additional staff was not recommended, Mr. Paxton advised that developments that have been approved by the Board may lead to the need for additional staff in the near future.

Fee Schedule

The following fees are hereby established for plan review and inspection of land-disturbing activities which require a permit or an agreement in lieu of a plan as applicable:

- (1) For the review of a plan for an individual single family residential unit or similar (\$100.00).
- (2) For the review of a plan for commercial and industrial and other residential land disturbing activities (\$500.00 + \$200.00 per acre or part there of; Maximum cost \$1000.00).
- (3) In addition to Sections (1) and (2) above, if a plan is incomplete there shall be a fee of (\$100.00) for plan review of a resubmitted plan.
- (4) The permit fee for commercial and industrial and other residential land disturbing activities (\$250.00 + \$50.00 per acre or part there of).
- (5) The permit fee for all other land disturbing activities, including agreements in lieu of a plan (\$100.00).
- (6) For the re-inspection of a site previously found deficient. (\$50.00).

On motion by Supervisor Floyd, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as

follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ05-2, request of Associated Developers, LLC, 370-I Neff Avenue, Harrisonburg, to rezone a total of 141.837 acres: 77.604 acres on tax map 126 (A) 119 from A1 (Prime Agricultural), 63.705 acres on tax map 126 (A) 120 from A2 (General Agricultural), and .528 acre on tax map 126 (8) 1 from A2 (General Agricultural) to R3 Conditional (General Residential with Conditions). The site is located on the north side of Spotswood Trail (Route 33) approximately 1400 feet east of Massanetta Springs Road (Route 687) in Election District #3. This request was tabled by the Board on April 27, 2005.

Supervisor Floyd moved for denial of RZ05-2, request of Associated Developers, LLC. He noted that, if the motion received a second, he would state his reasons for moving for denial. Supervisor Cuevas seconded the motion.

Supervisor Floyd read the following statement. "Mr. Chairman, my fellow Board members, I have carefully considered this request. I have reviewed the planning staff report and the minutes of the public hearing on this application, and I have visited this property. I have reviewed the County's current Comprehensive Plan and the proposed amendments to the Comprehensive Plan which are currently pending before this Board. I believe that the staff presented this Board and the Planning Commission with an excellent report on this proposed rezoning. That report examined many factors that I will not repeat tonight, but I do agree with the staff report and its recommendation for the denial of this rezoning application; and I adopt the reasons set out in the staff report. I would like to emphasize a couple of items in the staff report that I believe are particularly important. First, under the County's existing Comprehensive Plan and the proposed amendments, the vast majority of the Blose property is not designated for development in the near future. Furthermore, I believe it is critical to note that there is very little residential development on the north side of Route 33, east of the City of Harrisonburg. The only residential development on the north side of Route 33 in this area occurred many years ago and is non-intensive. Approving this rezoning request would open the north side of Route 33 to intensive residential development which will destroy the still vibrant agricultural areas to the west, north, and east of the Blose property. If the Board approves this rezoning, I believe that the north side of Route 33 will very soon look like the south side of Route 33 as you leave Harrisonburg - one continuous residential development - instead of the thriving agricultural area we see now. I note that, at the public hearing held by this Board, many neighbors of the Blose property appeared and expressed their concern that rezoning the Blose property for residential development would sound the death knell for their agricultural operations. I also note that a significant portion of the Blose property is prime farmland soil, the Blose property can still be used for agricultural purposes, and such a use is reasonable. Zoning is about drawing lines. Often, by necessity, those lines are drawn somewhat arbitrarily. In this case, we have a nice, well-defined, logical boundary between intensive residential development and agricultural uses. That boundary is Route

33. If we ignore that boundary in this instance, we will have to ignore it with future rezoning requests; and the agricultural areas located near the north side of Route 33 east will be lost forever. Thank you, Mr. Chairman and my fellow Board members, for your consideration of my motion."

Supervisor Cuevas said he agreed with most of the reasons for denial set forth in Supervisor Floyd's motion, noting that "for the next couple of years [he] would have a hard time supporting further development in that part of the County until important issues, such as sewer capacity, are addressed in a positive way."

Supervisor Breeden pointed out that, as long as the proposal stayed on the table, there would be time for some of the issues to be addressed.

Mr. Brown advised that failure of the motion would not mean that the rezoning would be approved. He reminded the Board that it would take an affirmative action to deny the request and an affirmative action to approve it.

The motion failed by a vote of 2 to 3, voting recorded as follows: AHREND - NO; BREEDEN - NO; CUEVAS - AYE; FLOYD - AYE; KYGER - NO.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated January 6, 2006, concerning the ICHRIS software (next phase to provide access to database to town police departments); document imaging project (web demonstration on January 9) Circuit Courthouse deed room project (being installed); Web Site development project (January 20 meeting will outline third phase, creation of Intranet site for County employees); Dataflex software system conversions (9 County systems converted); Windows Service upgrades (remaining servers to be updated the weekend of January 13); and equipment for Public Works Department and Registrar's office.

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FIRE & RESCUE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated January 6, 2005, concerning training, prevention division activities, and public education.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized

submission of a grant request to apply for a Homeland Security Commercial Equipment Direct Assistance Program grant (CEDAP), as outlined in Chief Symon's report.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated January 6, 2006, concerning Facilities and Recreation programs.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee, the Board approved a request from the Sheriff to purchase a 2006 GMC Sierra 2500, 4-wheel drive work truck under State Contract at a cost of \$22,066. This vehicle would be used by the Gang Prevention Task Force; adequate funds are included in the Task Force budget for this purchase. Funds are to come from account 001-03107-000-8005-000.

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RECESS.

At 5:03 p.m., Chairman Breeden declared the meeting recessed for dinner.

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PUBLIC HEARING - SPECIAL USE PERMITS.

At 7:00 p.m., Chairman Breeden called the meeting back to order and declared it open for a public hearing on the following special use permit applications. Ms. Stultz reviewed the particulars of the requests.

S06-01, request of Philip James, 1041 Cottontail Trail, Mt. Crawford, for a small engine repair and motorcycle customizing on property located on the north side of Cottonwood Trail (Route 705) approximately 2/10 mile east of Pleasants Drive (Route 898) in Election District #3, zoned A2. Tax Map #124-(A)-69A3.

The applicant was present to answer questions.

Scott Layman, neighbor, expressed concerns about noise and hours of operation.

Supervisor Kyger asked if the applicant would object to having the operating hours stated, and Mr. James agreed.

S06-02, request of Barry Hensley, 14372 South Eastside Highway, for a wrecker service and impound lot on property located on the west side of South Eastside Highway (Route 340) approximately ½ mile south of Port Republic Road (Route 253) in Election District #3, zoned A2. Tax Map #160-(A)-12.

The applicant was present to answer questions.

In response to a question from Supervisor Floyd, Mr. Hensley said he would not object to a condition that would forbid the sale of parts.

S06-03, request of John L. Spitzer, 13812 South Sunset Drive, Broadway for a residence involving a division of land on property located on the east side of South Sunset Drive (Route 617) approximately 1-1/2 miles north of Trissels Road (Route 809) in Election District #1, zoned A1. Tax Map #51-(A)-146.

The applicant was present to answer questions. No objections were raised.

S06-04, request of BPML Properties, LLC, 17153 Mt. Pleasant Road, Elkton for a residence involving a division of land on property located on the north and south side of Spotswood Trail (Route 33) north of Rockingham Drive (Route 981) in Election District #5, zoned A1. Tax Map #130-(A)-9.

Pete Bonavita was present to answer questions.

David Miller asked what would be allowed on the property, and Ms. Stultz advised that approval would allow for one dwelling.

At 7:20 p.m., Chairman Breeden closed the public hearing and called the regular meeting back to order.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-01, request of Philip James, 1041 Cottontail Trail, Mt. Crawford, for a small engine repair and motorcycle customizing on property located on the north side of Cottonwood Trail (Route 705) approximately 2/10 mile east of Pleasants Drive (Route 898) in Election District #3, zoned A2. Tax Map #124-(A)-69A3.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Buildings shall comply with the Uniform Statewide Building Code and change of use building permits shall be required.
3. VDOT reserves the right to require future entrance upgrades should conditions warrant.
4. In accordance with Health Department comments, there shall be no public restrooms available for this business.
5. All work shall be done within the buildings and there shall be no storage of parts, etc. outside the building.
6. There shall be no junk, trash or debris allowed to accumulate on the property.
7. This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
8. Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on the VDOT right-of-way.
9. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
10. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
11. The business shall not begin operation until a certificate of occupancy is issued by the County. No

certificate of occupancy shall be issued until all other conditions of this permit are met.

12. Hours of operation shall be from 8:00 a.m. to 7:00 p.m.

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-02, request of Barry Hensley, 14372 South Eastside Highway, for a wrecker service and impound lot on property located on the west side of South Eastside Highway (Route 340) approximately ½ mile south of Port Republic Road (Route 253) in Election District #3, zoned A2. Tax Map #160-(A)-12.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. VDOT reserves the right to require future entrance upgrades should conditions warrant.
3. There shall be no employees (except the applicant) for this business.
4. The office for the business shall be located in the applicant's residence.
5. The half-acre approved for the impound lot shall be fenced with a minimum six foot (6') chain link fence and shall be screened from view from all adjoining properties and from the road.
6. All impounded vehicles shall be kept within the fenced in area.
7. This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
8. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
9. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
10. Off-street parking shall comply with the Rockingham County Code, and there shall be no parking on the VDOT right-of-way.
11. Applicant shall notify Zoning Administrator when this business begins operation.
12. There shall be no retail or wholesale sale of parts from this property.

13. This shall be for an impound lot only. There shall be no junked vehicles allowed to accumulate on the property.

Noting that the intent was to keep the poultry operation, on motion by Supervisor Cuevas seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-03, request of John L. Spitzer, 13812 South Sunset Drive, Broadway for a residence involving a division of land on property located on the east side of South Sunset Drive (Route 617) approximately 1-1/2 miles north of Trissels Road (Route 809) in Election District #1, zoned A1. Tax Map #51-(A)-146.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Any residence constructed on the 15 acres shall comply with the Uniform Statewide Building Code and the proper permits shall be required.
3. Prior to the construction of any residence on the property, septic approval shall be obtained from the Health Department.
4. If the deed is approved within one year from date of special use permit approval, any residence on the property shall be exempted from the one year completion date.
5. Any residence constructed on the property shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Noting that he was considered to have a conflict of interest on an earlier request for the other side of the property, Chairman Breeden advised that he would abstain from the vote on request of BPML Properties, LLC. On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 4 to 0 TO 1, voting recorded as follows: AHREND - AYE; BREEDEN - ABSTAIN; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-04, request of BPML Properties, LLC, 17153 Mt. Pleasant Road, Elkton for a residence involving a division of land on property located on the north and south side of Spotswood Trail (Route 33) north of Rockingham Drive (Route 981) in Election District #5, zoned A1. Tax Map #130-(A)-9.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.

2. Residence shall comply with the Uniform Statewide Building Code and the proper permits shall be obtained.
3. If approved this property shall be served by public utilities.
4. This division shall be for one parcel on the south side of Spotswood Trail, and the three portions of this tax parcel shown on County tax maps shall be treated as one parcel.
5. If the deed exception is made within one year from date of approval of the special use permit, the residence shall be exempt from the one year completion date.
6. Approval of this special use permit shall allow for one residence on the south side of Spotswood Trail and would also allow for a residence on the north side of Spotswood Trail is so desired.
7. Residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

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RZ05-21, REQUEST OF TRANDY REAL ESTATE HOLDINGS, LLC.

On request by Chairman Breeden, on motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ05-21, request of Trandy Real Estate Holdings, LLC, P O Box 167, Elkton, to rezone 2.83 acres from B1 (General Business) to R3-C (General Residential with Conditions) on a portion of tax parcels 130 (A) 27 and 130 (A) 27A. This site is located on the north side of Spotswood Trail (Route 33) west of Mt. Hermon Road (Route 829) in Election District #5. This request was tabled by the Board on October 26, 2005.

Chairman Breeden noted that the request came before the Board in October and, since that time, things changed in the area. He pointed out that the development would take industrial use down to planned residential development with 14 units per year constructed. He asked for a motion for approval.

Supervisor Cuevas reminded the Board that it had invested hundreds of thousands of dollars in studying the area and the results of the studies had not yet been received. He mentioned the overcrowded schools near this site. He stated that, until some of the issues are resolved, he would find it difficult to vote for approval of more development in that area.

Supervisor Floyd agreed with the points made by Supervisor Cuevas.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following proffers, the Board approved RZ05-21, request of Trandy Real Estate Holdings, LLC, P O Box 167, Elkton, to rezone 2.83 acres from B1 (General Business) to R3-C (General Residential with Conditions) on a portion of tax parcels 130 (A) 27 and 130 (A) 27A.

1. It is proffered that the rezoned land will be used for townhouse dwellings only.
2. The lots will be served by public water and sewer.
3. Not more than twenty-eight (28) lots will be developed.
4. Evergreen trees consisting of Cypress, Pine, and/or Spruce will be planted as a buffer where allowed on the perimeter of the proposed townhouse development. Where trees exist along the boundary additional trees will be inserted to provide greater buffering. In areas, where no trees exist the trees will be planted in a single or double row as space permits. The trees will be planted on 10 foot centers and where a second row can be added, the rows will be 5 feet apart. Where planting of trees are restricted because of utility lines, random trees will be planted where possible outside the utility easements.
5. A street, built to VDOT standards, will be constructed through the proposed property to the property to the west, if requested by the County.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 7:28 to 8:04 p.m., for a closed meeting pursuant to Section 2.2-3711(A) 7, for consultation with legal counsel regarding a water contract with the City of Harrisonburg, real estate, and location of potential industry not yet disclosed.

At 8:04 p.m., Chairman Breeden called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X06-01
SECOND: SUPERVISOR AHREND MEETING DATE: JAN. 11, 2006

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:05 p.m.

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Chairman